IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No.11585 of 2006
Date of Decision:01.05.2007

Kashmir Singh **.....Petitioner**

Vs.

State of Punjab and others **.....Respondents**

CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Rajesh K.Dadwal, Advocate for the petitioner.
Mr. Amol Rattan Singh, Addl. AG, Punjab for respondent Nos.1, 2 and 4.
Mr. I.S.Ratta, Advocate for respondent No.3.

****

M.M.Kumar, J. (Oral)

It is admitted position that the petitioner has retired on 30.11.2005 and his pensionary benefits including pension was paid after filing of the petition. It is appropriate to mention that before filing of the instant petition, the petitioner has earlier filed C.W.P. No.6552 of 2006 which was disposed of on 28.4.2006 by a Division Bench directing the respondents to decide his claim by passing a speaking order. A speaking order was passed on 3.7.2006, yet, the benefits were not released to the petitioner. The benefits have been eventually paid to him on different dates and the delay in making the payment of retiral benefits including pension cannot be imputed to the petitioner. Accordingly, we accept the prayer made by the petitioner that he is entitled to payment of interest from respondent No.3 at the rate of 9% per annum from the date, the retiral benefits including the pension became payable till the date of their payment. Let the payment be made within a period of three months from the date of receipt of a copy of this order. We also award cost to the petitioner which shall be shared equally by the State of Punjab and respondent No.3 which we assess at Rs.10,000/-. The cost shall also be paid within three months from the date of receipt of copy of this order.

The writ petition stands disposed of.

(M.M.KUMAR)

May 01, 2007 **(RAJESH BINDAL)**
renu **JUDGE**